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13 UNITED STATES DISTRICT COURT

14 DISTRICT OF ARIZONA

15 In Re Bard IVC Filters Products  
16 Liability Litigation

No. MD-15-02641-PHX-DGC

**PLAINTIFFS' MOTION TO SEAL JOINT  
STIPULATION AND ORDER  
REGARDING MOTION *IN LIMINE***

17 In accordance with Section 25 of the Stipulated Protective Order [Doc. 269],  
18 Federal Rule of Civil Procedure 26(c)(1)(G), and Local Civil Rule 5.6, Plaintiffs move  
19 this Court for an Order sealing certain protected information contained in exhibits to  
20 Plaintiffs' Response to Defendants' Trial Brief on Third Party Fault. The exhibits at issue  
21 contain personal healthcare information regarding the Plaintiff that is protected under  
22 HIPAA and confidential under the Stipulated Protective Order, warranting protection  
23 from public disclosure, see Exhibit A.

24 Plaintiff's personal healthcare information is protected under the Privacy Rule of  
25 the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 45 C.F.R. §  
26 160, 164(A) & (E), as well as several state-law privileges. The knowing disclosure of such  
27 information is prohibited by 42 U.S.C. § 1320d-6. This Court has already granted the  
28

1 filing under seal of the same (or similar) information when the parties submitted their  
2 respective bellwether submissions. [*See* Doc. 4366].

3  
4 Accordingly, Plaintiffs request the Court order the Joint Stipulation on Plaintiffs'  
5 Response to Defendants' Trial Brief on Third Party Fault and the corresponding Order be  
6 sealed pending final determination of confidentiality.

7  
8 RESPECTFULLY SUBMITTED this 25<sup>th</sup> day of April, 2019.

9 By: /s/ Mark S. O'Connor

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 25<sup>th</sup> day of April 2019, I electronically transmitted the  
attached document to the Clerk's Office using the CM/ECF System for filing and  
transmittal of a Notice of Electronic Filing.

/s/ Jessica Gallentine

**Exhibit A**

Exhibits to Plaintiffs' Response to Defendants' Trial Brief on Third Party Fault containing Plaintiff's personal healthcare information.

Ex. A, Trial Ex. 15298 at TINLIND\_SMHMC\_MDR00066-69; 00077-78; TINLIND\_SMHMC\_MDR00080

Ex. D, Trial Ex. 15210 at TINLIND\_ABMC\_MDR07248

Ex. E, Trial Ex.15201, at TINLIND\_ABMC\_MDR00533

Ex. F, Trial Ex. 15259 at TINLIND\_ASLMC\_MDR00761-63

Ex. G, Trial Ex.15233, Chest X-Ray Report, TINLIND\_ABMC\_RAD00059.